

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DIEGO URBINA,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY,

Defendant.

No. C 09-3563 CW

ORDER DISMISSING  
PLAINTIFF'S  
COMPLAINT FOR  
FAILURE TO PROSECUTE

On September 1, 2009, the Court ordered Plaintiff Diego Urbina to file an opposition to Defendant Deutsche Bank National Trust Company's Motion to Dismiss Complaint and to Expunge Notice of Pending Action (Docket No. 5) by September 24, 2009. (Docket No. 12.) The Court warned Plaintiff that his case would be dismissed for failure to prosecute if an opposition was not filed by September 24.

Because Plaintiff failed to comply with the Court's September

1 1 order and did not file an opposition by September 24, the Court  
2 DISMISSES Plaintiff's case without prejudice for failure to  
3 prosecute. Defendant's motion to dismiss (Docket No. 5) is DENIED  
4 as moot. With regard to the notice of pending action, Defendant  
5 may notify the appropriate state court or agency that this action  
6 has been dismissed.

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8 IT IS SO ORDERED.

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10 Dated: 10/1/09



11 CLAUDIA WILKEN  
12 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

URBINA et al,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY et al,

Defendant.

Case Number: CV09-03563 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 1, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Diego Urbina  
413 Santa Barbara Avenue  
Daly City, CA 94014

Dated: October 1, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California